



OFFICE OF THE COMMONWEALTH'S ATTORNEY

City of Suffolk

Godwin Courts Building

150 North Main Street

Suffolk, Virginia 23434-4552



COMMONWEALTH'S ATTORNEY
C. PHILLIPS FERGUSON

DEPUTY COMMONWEALTH'S ATTORNEYS
MATTHEW A. GLASSMAN
WILL H. JAMERSON
JAMES E. WISER

ASSISTANT COMMONWEALTH'S ATTORNEYS
SHA VAUGHN N. BANKS
NICOLE A. BELOTE
VAUGHN T. BREEDLOVE
GEORGE W. BRUCH
F. JEFFERSON JAMES
MARILYN A. SALLEE
HEATHER E. SHELTON
T. MARIE WALLS
SUSAN H. WALTON

Please visit our website:
www.suffolk.va.us/cwatty/

MAIN NUMBER (757) 514-4365
VICTIM/WITNESS (757) 514-4366
FAX (757) 514-4400

CHIEF ADMINISTRATIVE MANAGER
DONNA M. WHARAM

CHIEF INVESTIGATOR
E. C. HARRIS

COMMUNITY OUTREACH COORDINATOR
KAREN H. WILLIAMS

VICTIM/WITNESS DIRECTOR
DIANE BRYANT

ASSISTANT VICTIM/WITNESS DIRECTORS
SONYA L. ABBOTT
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February 15, 2012

Chief Thomas E. Bennett
Suffolk Police Department
111 Henley Place
Suffolk, VA 23434

Re: Fire Marshal Ricky McCleod

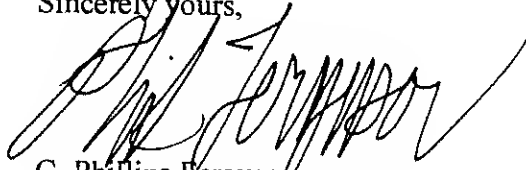
Dear Chief Bennett,

I write to advise you, in accordance with the attached memorandum, that criminal charges against Portsmouth Fire Marshal Ricky McCleod are not warranted. Based on the case law and facts of this case, I believe Fire Marshal McCleod made a legal citizen's arrest. Hence, I think that the Suffolk Police Department must make a determination on whether charges need to be brought against [REDACTED], the driver of vehicle that nearly caused an accident which directly led to Fire Marshal McCleod's intervention.

I appreciate you bringing this matter to my attention. Should you have any question or concerns, please feel free to contact me.

Thanking you, I am

Sincerely yours,



C. Phillips Ferguson
Commonwealth's Attorney

CPF/mag

MEMORANDUM

TO: C. PHILLIPS FERGUSON
FROM: MATTHEW A. GLASSMAN
DATE: FEBRUARY 14, 2012
RE: FIRE MARSHAL RICKY MCCLEOD INVESTIGATION

Statement of Facts

On January 24, 2012, Fire Marshal Ricky McCleod (hereinafter "McCleod") of the Portsmouth Department of Fire, Rescue and Emergency Services made a traffic stop in the City of Suffolk. McCleod and an eye witness, [REDACTED] observed a vehicle swerve into oncoming traffic causing at least two vehicles to take evasive measures. Concerned that the driver that swerved into oncoming traffic may be under the influence of alcohol or drugs, McCleod conducted a traffic stop. McCleod activated the emergency blue lights of the Portsmouth Department of Fire, Rescue and Emergency Services vehicle he was driving. According to Sergeant Chandler, McCleod was not in uniform, displaying a badge of authority, or armed with a weapon. [REDACTED] the driver of the vehicle which was stopped by McCleod, stated McCleod never identified himself as a Suffolk Police Officer. McCleod readily identified himself as a Portsmouth Fire Marshall when questioned by Suffolk Police Officers that arrived on scene.

Question Presented

Whether Fire Marshal McCleod had the authority to conduct a traffic stop when he personally observed the reckless driving of [REDACTED]?

Analysis

It is well established that private citizens may make arrests for a felony or a breach of the peace as long as the breach was committed in the citizen's presence. See *Hudson v. Commonwealth*, 266 Va. 371 (2003). Based upon the facts, there is no evidence that a felony was committed. Therefore, the question is whether the observations made by McCleod constituted a breach of the peace. In *Hudson*, the Court deemed that a breach of the peace occurred when an off-duty officer from a neighboring jurisdiction conducted a traffic stop for a vehicle that was weaving, nearly struck him, and caused him to take evasive action. *Id.* at 380. Additionally, the Court stated it was of no consequence whether the off-duty officer suspected the erratic driver of being under the influence, the "dangerous conduct on a public highway, in and of itself was a breach of the peace under any definition of that concept." *Id.*

In the case at bar, the facts are similar to those in *Hudson*. Both the officer and Fire Marshal McCleod were off-duty in neighboring jurisdictions, in their government vehicles, activated their emergency equipment and made traffic stops. The only difference was that the officer in *Hudson* was in uniform and brandished his weapon. Additionally, both personally observed vehicles that were being driven in reckless manners. McCleod's observations of the erratic driving were corroborated by [REDACTED]

[REDACTED] Hence, there is nothing that distinguishes McCleod's actions from those actions that have been previously considered to be a valid legal justification to conduct a citizen's arrest.

Conclusion

Based upon the analysis previously mentioned, Portsmouth Fire Marshal McCleod had the same authority as an ordinary citizen to conduct a traffic stop when he personally observed [REDACTED] reckless driving in the City of Suffolk. Therefore, no charges are warranted against him. However, I believe that the Suffolk Police Department should make a determination whether traffic and/or criminal charges need to be brought against the reckless driver, [REDACTED]



SUFFOLK POLICE DEPARTMENT FORM #023

CASE REPORT REVIEW FORM

Case Number: 2012-0002532 Offender: Ricky McCleod

Investigating Officer Name: Sgt. A.S. Chandler

I have reviewed the case report and offer the following direction:

☐ Approved

Forwarded Date: 2-13-12

*per Capt. Smith
prepare for CWA.*

☐ Disapproved

Returned Date: _____

Supervisor Signature: _____ Date: _____

I have reviewed the case report and offer the following direction:

☐ Approved

Forwarded Date: _____

☐ Disapproved

Returned Date: _____

Supervisor Signature: _____ Date: _____

I have reviewed the case report and offer the following direction:

☐ Approved

Forwarded Date: _____

☐ Disapproved

Returned Date: _____

Supervisor Signature: _____ Date: _____

644-9078

WITNESS LIST

The Commonwealth of Virginia vs. Ricky McCleod, age 43, for the offense of Impersonating a Police Officer, which occurred on January 24, 2012 at Pinner Street/Central Avenue, Suffolk, Virginia in violation of the Code of Virginia, Section 18.2-174.

1. Sgt. A. S. Chandler
Suffolk Police Department

2. Det. W. N. Shockley
Suffolk Police Department

3. Agnes Cox
[REDACTED]
Suffolk, VA 23434

4. [REDACTED] BUSINESS: [REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED] BUSINESS: [REDACTED]
[REDACTED]
[REDACTED]

6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Delivered to _____ by _____

On _____ at _____ am/pm



SUFFOLK POLICE DEPARTMENT FORM #022
INVESTIGATIONS DIVISION

COMMONWEALTH ATTORNEY'S CASE REPORT

DEFENDANT: Ricky McCleod **ALIAS:** _____
AGE: 43 **SEX:** M **RACE:** B **SSN:** [REDACTED] **DOB:** [REDACTED]
HOME ADDRESS: [REDACTED] **PHONE:** [REDACTED]
PLACE OF EMPLOYMENT: Portsmouth Fire & Rescue **PHONE:** [REDACTED]
WORK ADDRESS: [REDACTED] **OCCUPATION:** Fire Marshal
CHARGE(S): Impersonating a Police Officer **SECTION:** 18.2-174
CHARGE(S): _____ **SECTION:** _____
CHARGE(S): _____ **SECTION:** _____
CHARGE(S): _____ **SECTION:** _____
CHARGE(S): _____ **SECTION:** _____
OFFENSE DATE: January 24, 2012 **DAY:** Tuesday **TIME:** 4:33 P.M.
OFFENSE LOCATION: Pinner St/Central Ave
ARRESTING OFFICER: _____ **DATE:** _____ **TIME:** _____ **AM** ☐ **PM** ☐
PLACE OF ARREST: _____ **ARRESTED BEFORE:** **YES** ☐ **NO** ☒

CHECK IF INCLUDED IN CASE REPORT:

POLICE RECORD ☐ **STATEMENT** ☒ **RIGHTS FORM** ☐ **PHOTOGRAPH** ☐
COPY OF ARREST WARRANT ☐ **LIST OF STOLEN PROPERTY** ☐
COPY OF SEARCH WARRANT AND AFFIDAVIT ☐
☒ **OTHER:** IBR 2012-0002532

NAME OF CO-DEFENDANTS: _____

WARRANTS ON FILE: **YES** ☐ **NO** ☐ **PENDING** ☐ **ARRESTED?** **YES** ☐ **NO** ☐

VICTIM: Commonwealth of Virginia **ALIAS:** _____
AGE: _____ **SEX:** _____ **RACE:** _____ **SSN:** _____ **DOB:** _____
HOME ADDRESS: _____ **PHONE:** _____
PLACE OF EMPLOYMENT: _____ **PHONE:** _____
WORK ADDRESS: _____ **OCCUPATION:** _____
BRIEF VERSION OF STATEMENT: _____

WITNESS: A.S. Chandler ALIAS: _____
 AGE: _____ SEX: M RACE: B SSN: _____ DOB: _____
 HOME ADDRESS: _____ PHONE: _____
 PLACE OF EMPLOYMENT: Suffolk Police Department PHONE: 757-923-2350
 WORK ADDRESS: 111 Henley Place, Suffolk, VA 23434 OCCUPATION: Detective Sergeant
 BRIEF VERSION OF STATEMENT: This witness observed the traffic stop and stopped to assist. This witness spoke with the defendant on scene. This witness received statements from other witnesses and prepared the casefile for Commonwealth Attorney Review. This witness was the lead investigator assigned to the case.

WITNESS: W.N. Shockley ALIAS: _____
 AGE: _____ SEX: B RACE: M SSN: _____ DOB: _____
 HOME ADDRESS: _____ PHONE: _____
 PLACE OF EMPLOYMENT: Suffolk Police Department PHONE: 757-923-2350
 WORK ADDRESS: 111 Henley Place, Suffolk, VA 23434 OCCUPATION: Detective
 BRIEF VERSION OF STATEMENT: This witness observed the defendant's vehicle on Pinner Street operating blue lights and siren and confirmed with dispatch that there were no calls from any outside agencies reporting operation in the city of Suffolk.

WITNESS: _____ ALIAS: _____
 AGE: 65 SEX: F RACE: W SSN: _____ DOB: _____
 HOME ADDRESS: _____ PHONE: _____
 PLACE OF EMPLOYMENT: N/A PHONE: N/A
 WORK ADDRESS: N/A OCCUPATION: _____
 BRIEF VERSION OF STATEMENT: This witness was operating the vehicle pulled over by the accused. This witness states that she didn't know she swerved but was trying to straighten her vehicle back up when she saw the police lights. She does not remember how he identified himself but thought he was a Suffolk Police Officer because she thought he had on a uniform (which he did not) at the time of the incident.

WITNESS: _____ ALIAS: _____
 AGE: 48 SEX: M RACE: W SSN: _____ DOB: _____
 HOME ADDRESS: _____ PHONE: _____
 PLACE OF EMPLOYMENT: _____ PHONE: _____
 WORK ADDRESS: _____ OCCUPATION: _____
 BRIEF VERSION OF STATEMENT: This witness was inside a vehicle that was almost struck by _____ This witness observed a Red Impala (found to be driven by the accused) turn as if to go after the vehicle driven by _____. This witness thought the vehicle driven by the accused was a police officer. This witness has no prior knowledge of the defendant.

WITNESS: [REDACTED] ALIAS: [REDACTED]
 AGE: 46 SEX: M RACE: W SSN: [REDACTED] DOB: [REDACTED]
 HOME ADDRESS: [REDACTED] PHONE: [REDACTED]
 PLACE OF EMPLOYMENT: [REDACTED] PHONE: [REDACTED]
 WORK ADDRESS: [REDACTED] OCCUPATION: [REDACTED]
 BRIEF VERSION OF STATEMENT: This witness is the [REDACTED] in the city of
Portsmouth. This witness confirmed that the defendant is employed by the Portsmouth Fire
Marshals Office and that the accused should not be taking police enforcement action.

WITNESS: [REDACTED] ALIAS: [REDACTED]
 AGE: [REDACTED] SEX: M RACE: [REDACTED] SSN: [REDACTED] DOB: [REDACTED]
 HOME ADDRESS: [REDACTED] PHONE: [REDACTED]
 PLACE OF EMPLOYMENT: [REDACTED] PHONE: [REDACTED]
 WORK ADDRESS: [REDACTED] OCCUPATION: [REDACTED]
 BRIEF VERSION OF STATEMENT: This witness [REDACTED] for the State of VA.
This witness can give expert testimony as to the defendant's scope of authority and certification.
This witness can also explain what certification the defendant holds and what that certification
means.

WITNESS: [REDACTED] ALIAS: [REDACTED]
 AGE: [REDACTED] SEX: [REDACTED] RACE: [REDACTED] SSN: [REDACTED] DOB: [REDACTED]
 HOME ADDRESS: [REDACTED] PHONE: [REDACTED]
 PLACE OF EMPLOYMENT: [REDACTED] PHONE: [REDACTED]
 WORK ADDRESS: [REDACTED] OCCUPATION: [REDACTED]
 BRIEF VERSION OF STATEMENT: [REDACTED]

WITNESS: [REDACTED] ALIAS: [REDACTED]
 AGE: [REDACTED] SEX: [REDACTED] RACE: [REDACTED] SSN: [REDACTED] DOB: [REDACTED]
 HOME ADDRESS: [REDACTED] PHONE: [REDACTED]
 PLACE OF EMPLOYMENT: [REDACTED] PHONE: [REDACTED]
 WORK ADDRESS: [REDACTED] OCCUPATION: [REDACTED]
 BRIEF VERSION OF STATEMENT: [REDACTED]

SUMMARY OF EVENTS:

On January 24, 2012 Det. Shockley observed a red Chevy Impala operating blue police lights, flashing headlights and siren on Pinner Street in the city of Suffolk. Det. Shockley knew that the vehicle was not a city of Suffolk Police vehicle. So he checked with dispatch to see if they knew anything about an officer from an outside jurisdiction with an emergency. Dispatch responded and advised that they had no such reports.

Sgt. Chandler was traveling the same road and observed the same red Impala with blue police lights and flashing headlights on the side of the road behind a civilian vehicle. The accused was standing beside the civilian vehicle. Sgt. Chandler noticed that he didn't see a gun, badge or handcuffs on the accused. Sgt. Chandler then pulled in behind the red Impala and exited his vehicle. Sgt. Chandler observed another individual sitting in the passenger seat of the red Impala [REDACTED]. The accused then approached Sgt. Chandler and identified himself as Fire Marshal McCleod of the Portsmouth Fire Marshal Office. The accused stated that he observed [REDACTED] vehicle swerve into oncoming traffic almost striking two vehicles. He stated that he pulled the vehicle over to make sure that the driver wasn't intoxicated. Sgt. Chandler checked [REDACTED] driver status and found her licensed. Det. Shockley wrote down FM McCleod's license information and viewed his Fire Department credentials. FM McCleod then returned to [REDACTED] vehicle and released her from the stop.

Sgt. Chandler then made notification of the incident and contacted Portsmouth Fire Department to verify that FM McCleod's employment. He spoke with [REDACTED] and later to [REDACTED]. [REDACTED] stated that FM McCleod was a member of the Fire Marshal's Office, however he should not be pulling over any vehicles. When asked if FM McCleod had full police powers, FM Tilley stated that he was not certain and would need a formal request for that information and route it through the Fire Chief's Office.

Sgt. Chandler received a recorded statement from [REDACTED] who advised that she could not remember if FM McCleod identified himself, but she thought he had on a uniform (which he did not) so she thought he was a Suffolk Police Officer. She further advised that she questioned if he was really an officer.

Sgt. Chandler received a recorded interview from [REDACTED] who witnessed the incident. [REDACTED] advised that he observed [REDACTED] vehicle cross into oncoming traffic almost hitting his vehicle. He was then forced to take evasive action to avoid the collision. He stated that the actions

POSSIBLE DEFENSE: _____

REPORT SUBMITTED BY: A.S. Chandler

ASSISTING OFFICERS: W.N. Shockley

DATE: February 10, 2012

SUMMARY OF EVENTS:

of the vehicle were a threat to public safety. He also thought that the vehicle operated by the accused was a police vehicle and was relieved to see the car get stopped for the infraction. [REDACTED] does not know [REDACTED] nor the accused in this case.

Sgt. Chandler contacted [REDACTED] from the Fire Marshal Academy. He provided the training records of the accused and can explain the training curriculum. There are two parts to the Fire Marshal certification. The accused has one of the two and therefore should not be issued a vehicle with blue lights and does not have police power. Sgt. Chandler also received a letter from the Chief of Portsmouth Fire Department advising that the accused does not have full police powers.

Based on the facts in this case, the accused acted outside his abilities as a Fire Marshal Inspector. Though he was issued the vehicle he was driving by the Portsmouth Fire Department, he does not have the authority to operate a vehicle equipped with blue lights. He further did not have the authority to affect a traffic stop using that equipment. He was also outside his jurisdiction. The incident also could not be considered a citizen's arrest because the action was not a felony and the Suffolk Police Department was not called. Though the driver created a safety concern, the lawful course of action would have been to follow the vehicle and attempt to have local police apprehend the driver.

POSSIBLE DEFENSE: Mrs. Cox was operating her vehicle in a manner that posed a serious danger to the public. To avoid loss of life, safety and property, the accused used the lights in the vehicle assigned to him by PFD to stop the vehicle from further dangerous maneuvers.

REPORT SUBMITTED BY: A.S. Chandler #282

ASSISTING OFFICERS: W.N. Shockley

DATE: February 10, 2012



SUFFOLK POLICE DEPARTMENT

111 HENLEY PLACE, SUFFOLK, VIRGINIA 23434
PHONE (757) 514-7900 FAX: (757) 514-4227 WEB: www.suffolkpd.com

Statement of: A.S. Chandler Jr., Detective Sergeant

Date: January 24, 2012

Location: Pinner Street/Central Avenue

Reference: Vehicle Stop conducted by Portsmouth Fire Marshall

On January 24, 2012 while on my way home from work, I heard Detective W.N. Shockley broadcast over the radio inquiring if dispatch had any knowledge of a police vehicle from another jurisdiction operating emergency equipment (lights and siren) on Pinner Street in the city of Suffolk. Dispatch advised that they had no knowledge of any other jurisdiction reporting operations within our city.

I was turning onto Finney Avenue, towards Pinner Street when I heard the radio traffic from Detective Shockley. Upon reaching Pinner Street, I observed a red Chevrolet Impala behind a civilian vehicle. The red Impala had blue police lights and flashing headlights in operation. I also observed a male subject standing beside the civilian vehicle at the driver's side door and one occupant inside the civilian vehicle. I did not recognize the person beside the civilian vehicle and quickly recognized that the red Impala was not from the Suffolk Police vehicle fleet based on the black rims on the vehicle. I also noticed as I passed the person standing beside the civilian vehicle that I did not see a badge, handcuffs nor a weapon. I did however notice a police style Motorola radio attached to his belt. I also observed some other type of device affixed to his belt and what I believed was a cell phone case.

At approximately 1633 hours, I made a U-turn at Pinner Street and Newport Street and pulled in behind the red Impala. At that point I observed another individual inside the Impala in the front seat. I marked out with dispatch via our police radio and advanced to the passenger side door of the red Impala. Upon getting to the door, I realized that the person inside appeared to be a [REDACTED]. He was seat belted in the vehicle. The individual that was standing beside the civilian vehicle then came up to me and identified himself as Portsmouth Fire Marshall Ricky McCleod.

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Fire Marshall McCleod advised that he observed the vehicle make two very large swerves in the roadway causing the vehicle to almost strike him and another vehicle. Based on those maneuvers, he chose to activate his emergency equipment and pull the vehicle over to assure that the driver was not intoxicated. He stated that the driver did not appear drunk but she didn't know why she swerved the way she did.

At approximately 1637 hours, I got the driver's license from Fire Marshall McCleod and ran the information through our dispatch. The driver was found to be [REDACTED] and [REDACTED] in the [REDACTED]. She was found to be licensed with restrictions. I then had dispatch to print me a copy of the driver information. While I was checking the driver information, Detective Shockley who had responded to the scene upon hearing me get out with the vehicle had arrived. Detective Shockley viewed Fire Marshall McCleod's Portsmouth Fire Credentials as well as his Virginia driver's license. I also called the license plate of the red Impala into dispatch to ensure that it was in fact a city of Portsmouth vehicle.

Upon finding that [REDACTED] was licensed, I gave her license back to Fire Marshall McCleod and at that point asked him if he had a weapon. Fire Marshal McCleod then stated that he didn't have his weapon on his person and was coming from DMV when he saw her swerving and just jumped out of the vehicle. I advised Fire Marshall McCleod that this area was a high crime area and he needed a weapon in that area, especially while on a traffic stop. Fire Marshall McCleod returned to [REDACTED] vehicle and returned her license and did not issue any type of summons or warning ticket to my knowledge. Detective Shockley and I cleared the scene. At no time did Detective Shockley or myself have any contact with [REDACTED].

At approximately 1645 hours, I contacted Captain C.S. Patterson to advise him of the incident. I made him aware and advised him that since he was the first precinct captain he should be aware incase the driver came back later and had any questions or complaints. I also spoke with Lieutenant R.L. Ross and gave him a briefing on the situation. I further assured them that I would make contact with Portsmouth Fire Department and verify that Fire Marshall McCleod was in fact with their agency.

I contacted Portsmouth Police Dispatch at approximately 1700 hours and left my number for a fire supervisor to call me. I received a call from [REDACTED] from the Portsmouth Fire Department at approximately 1705 hours. [REDACTED] confirmed that Fire Marshall McCleod was a Portsmouth Fire Marshall.

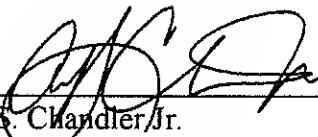
At approximately 1727 hours, I made contact with Investigations Captain D.M. Smith and also made him aware of the incident as he is my unit commander. I assured him that I would send an email with the proper information and verified that Portsmouth officials had been made aware of the incident.

At approximately 1835 hours, I received a call from [REDACTED] who reviewed the facts of the incident with me over the phone to confirm the series of events. [REDACTED] also provided his email address and requested a written statement from me in reference to the incident.

At approximately 1900 hours while completing the email on the incident, I called Detective Shockley to gain more information. Detective Shockely advised that he first saw the red Impala on Pinner Street at Katherine Street traveling west. Detective Shockley was traveling east at the crest of the bridge when he observed the impala operating emergency equipment.

This completed my involvement in this incident.

Respectfully submitted,



A.S. Chandler/Jr.
Detective Sergeant
Criminal Investigations Division
Violent Crimes Unit
Suffolk Police Department
111 Henley Place
Suffolk, VA 23434
achandler@suffolkva.us



SUFFOLK POLICE DEPARTMENT

111 HENLEY PLACE, SUFFOLK, VIRGINIA 23434
PHONE (757) 514-7900 FAX: (757) 514-4227 WEB: www.suffolkpd.com

Date: February 10, 2012
To: Sgt. A. Chandler
From: Det. W.N. Shockley
RE: Portsmouth Fire Marshall Traffic Stop

On January 24, 2012 I was on my way home and traveling over the E. Pinner St Bridge toward Moore Ave. At the top of the bridge I observed an unmarked vehicle running lights and sirens coming toward me over the bridge. The vehicle did not appear to be going at a high rate of speed and was not operating in a reckless manner. When I saw the vehicle I immediately recognized that it was not a Suffolk Police Department unmarked vehicle. I radioed dispatch and asked if they were aware of any other agencies running code in the area I was in. They advised that they were not aware of any. While in the process of turning around I heard Det. Sgt. Chandler advise that he was with the vehicle which was conducting a traffic stop on Pinner St just past Newport Ave. I pulled up behind Det. Sgt. Chandler and retrieved the ID from the operator of the unmarked vehicle which showed he was a Portsmouth Fire Marshall. I wrote down the information and provided it to Det. Sgt. Chandler. I noticed that there was a younger looking gentleman in the passenger side of the vehicle and I was advised by Det. Sgt. Chandler that he was the son of the individual who was driving the unmarked vehicle. Once the traffic stop was over I cleared the scene. This was my extent of involvement in this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "W.N. Shockley".

Det. W.N. Shockley

Mission Statement

Law enforcement excellence and public service through partnership with our community.

2012-0002532

Sgt. A. S. Chandler

[REDACTED]

Transcribed by [REDACTED]

Chandler: Today's date is February first

[REDACTED]: Yes

Chandler: First two thousand twelve and I'm here with [REDACTED]

[REDACTED]

[REDACTED]: Uh-huh

Chandler: The time now is five thirty four pm [REDACTED] can you state your full name please?

[REDACTED]: [REDACTED]

Chandler: Ok and what's your date of birth?

[REDACTED]: [REDACTED]

Chandler: And do you live [REDACTED] at [REDACTED]
[REDACTED]?

[REDACTED]: Yes I do

Chandler: And that's in the [REDACTED]?

[REDACTED]: Uh-huh

Chandler: And what is your home telephone number?

[REDACTED]
[REDACTED]
Chandler: You have a cell phone by chance?

[REDACTED] No I don't my husband does but

Chandler: Ok do you work?

[REDACTED]
[REDACTED]
Chandler: You retired?

[REDACTED]
[REDACTED]
Chandler: Ok and what's the last a, grade you completed in school?

[REDACTED]
[REDACTED]
Chandler: Ok do you have any problems reading or writing?

[REDACTED] No

Chandler: Ok um, I call your attention to um, an incident that happened over on Pinner Street

[REDACTED] Uh-huh

Chandler: A few days ago a, while you were driving in your car can you tell me about that day?

[REDACTED] Well I was a, my car I don't know what was wrong with it, it kept going over to the, this right side and I was trying to get it straighten it up

Chandler: Uh-huh

[REDACTED] And these guys went by me blowing their horn and then when he pulled me over I stopped

Chandler: Ok

[REDACTED]: And then I told him he said you aint got your seat belt on I said I just had forgot put my seatbelt on cause I just dropped somebody off and I was coming home cause see I can't drive after dark

Chandler: Yes ma'am

[REDACTED]: And um, so a, that's all he said and he went back there and checked my he checked my license my registration and he said where's your husband and I said at home I thought he was home and he couldn't get no answer and cause he's probably out there doing working and so he come back and checked everything out said I, I was alright

Chandler: Did he ever say who he was do you remember him saying who he was?

[REDACTED]: No I don't

Chandler: Do you remember if he said he was a police officer or anything like that?

[REDACTED]: Well he had the uniform on so I assumed he was he didn't say I don't think he said that

Chandler: Ok um, did he tell you why he stopped you?

[REDACTED]: He said my I was, I was you know not getting straight in the I

Chandler: Swerving?

[REDACTED]: Yes

Chandler: Oh ok

[REDACTED]: Trying to get my car straight

Chandler: Um

[REDACTED]: He asked me did I have any kinda problem I said no he said are you supposed to be driving I said yeah who's car is this is said it's my husband's car but I drive it it's mine really and a, that's all he said

Chandler: Did you know um, before he told you why he was stopping you?

[REDACTED]: Un-huh

Chandler: You didn't ok um, had you ever seen him before did you know him at all?

[REDACTED]: No I did not

Chandler: Um, ok was he, was he courteous or

[REDACTED]: Oh yeah he was nice I mean you know and he said well he said I'll let you go he'n give me no ticket no nothing and I

Chandler: Yes ma'am

[REDACTED]: You know without a seatbelt I was sure I got, I got a ticket

Chandler: Right

[REDACTED]: But I didn't so I come home told my husband what happened he said if you don't hear nothing don't worry about it I said I just wonder if he was really a cop

Chandler: What made you wonder?

[REDACTED]: Cause a lot of people you know you see it read it in the paper and see it on TV you know that lot of people do that try to make out like they're a cop you know and I have badges that aint right I aint see no badge but he had on a police uniform

Chandler: Uh-huh

[REDACTED]: That's how I you know I, I thought what's the Suffolk cops so I just went on gave him all my information

Chandler: Ok um, is there

[REDACTED]: Did he report it I mean

Chandler: Yes ma'am, yes ma'am he did I, I actually I came out there I was out there behind him um

[REDACTED]: Oh

Chandler: Once I saw him stopped I turned around so we did find out about it but we just wanted to making sure everything was ok is there anything else about it that you can think of that, that we might want to know?

[REDACTED]: Not that I know of

Chandler: Ok

[REDACTED]: That's about all he said after he checked my he come you know he took my license plates and checked my license and everything and he come back and said ok everything checks out

Chandler: Ok is this information true to the best of your knowledge and belief?

[REDACTED]: Yeah

Chandler: And was this information given freely and voluntarily without any threats or promises from anyone?

[REDACTED]: It was I, I, I gave him everything he asked for

Chandler: Was this the information you given me was it free and voluntary?

[REDACTED]: Yeah

Chandler: Ok statement ending the time is five thirty nine pm

2012-0002532

Sgt. A. S. Chandler

[REDACTED]
Transcribed by C. Meyer

Chandler: Today's date is February 2nd, 2012. The time is 3:29 p.m. and I'm here with [REDACTED]. Sir can you state your name please?

[REDACTED]: [REDACTED]

Chandler: And your date of birth?

[REDACTED]: [REDACTED]

Chandler: And can you tell me where you're employed?

[REDACTED]: I'm the [REDACTED]
[REDACTED]

Chandler: And how long have you been employed [REDACTED]
[REDACTED]?

[REDACTED]: Since, uh, what, April, April 1st 2005.

Chandler: Ok. Uh, how long have you been a [REDACTED] total, how many years?

[REDACTED]: Uh, since May 1st of 1984.

Chandler: Ok. I call your attention back to January 24th, um, in the area of Pinner Street near Central Avenue. Do you remember anything taking place that caught your attention?

[REDACTED]: Is that the intersection, uh, just on the, uh, I guess, western side of the overpass there?

Chandler: Yes.

[REDACTED]: Then yes I do.

Chandler: Ok can you tell me about that?

[REDACTED]: Uh, I'd come off the Pinner Street overpass heading, I guess, in a westerly direction and, uh, a vehicle in the oncoming lane swerved into my lane and caused

myself and at least one car in front of me, I don't know if there was, how many more cars in front of that car, had to take evasive action to avoid hitting that vehicle.

Chandler: Ok. Um, would you, you don't remember the car do you?

[REDACTED]: No I do not.

Chandler: Ok.

[REDACTED]: It, it came by pretty quick.

Chandler: Um, and it was nobody that you know of that you know...

[REDACTED]: No I didn't...

Chandler: ...operating that vehicle?

[REDACTED]: I, I remember I did not recognize the vehicle and I didn't see the driver really. You know, like I said I was swerved over to the right pretty hard and was trying to avoid hitting anything on my right, so.

Chandler: Ok. Um, that vehicle that swerved, would you see the actions of that vehicle to possibly be a, a threat to public safety?

[REDACTED]: It was a threat to my safety, yes.

Chandler: Ok. Um, you had to take evasive action, you didn't have to slam on brakes or anything correct?

[REDACTED]: No I swerved to the right and fortunately I had room on my right to swerve, and uh...

Chandler: Ok.

[REDACTED]: ...to get out of that lane.

Chandler: Um, and did you see what happened to the vehicle after, um, after you swerved?

[REDACTED]: No it went on past me and, well I, I say no, it, in looking in my rearview mirror it appeared to correct back into its lane and continue on traveling.

Chandler: Ok.

[REDACTED]: That's, that's all I recall from that.

Chandler: Is there anything else that you can remember about that situation?

[REDACTED]: Uh, well moments, I guess it was, after that happened and I corrected back into my lane, I noticed a, uh, I think it was a Chevy product car. I wanna say burgundy in color, maybe red in color, had, uh, turned around, uh, several cars ahead of me and appeared to be giving chase to the vehicle that I just, I just described coming into my lane. Um, I didn't see any lights; I didn't see, um, any traffic stop occur. Uh, all I saw was, like I said, that car turned around ahead of me. It appeared to, you know, go towards that car. And, um, I remember thinking it was a, uh, I thought it was one of our cars actually, 'cause it did look like a police car.

Chandler: Um-huh.

[REDACTED]: And I snickered to myself, well that's good karma there and I went on home.

Chandler: Right. Ok. Now let me, let me ask you a couple of questions, um, somewhat off that subject. Um, I'm just interested in, as far as the City of Suffolk is concerned, [REDACTED], [REDACTED] [REDACTED]?

[REDACTED]: They do.

Chandler: Ok. And what do, do you know the scope of those police powers?

[REDACTED]: No, you would probably do better to talk to either [REDACTED] or one of the [REDACTED] to, to get that because I haven't been thru that training at any point in my career.

Chandler: Right.

[REDACTED]: So I'd rather not speak on that.

Chandler: Ok. Um, is there anything else that you can think of that, uh, might be helpful that you wish to tell me in reference to this incident?

[REDACTED]: I think that's pretty much the extent of my involvement in it.

Chandler: Is this information you've given true to the best of your knowledge and belief?

[REDACTED]: It is.

Chandler: Was it given freely and voluntarily without any threats or promises from me or any member of the police department?

[REDACTED]: It was.

Chandler: Statement ending time 3:33 p.m. on February 2nd, 2012.

Phone Interview with [REDACTED]
Conducted by Sgt. A.S. Chandler

I spoke with [REDACTED] of the Portsmouth Fire Department in a number of conversations. [REDACTED] confirmed that FM McCleod was employed with the Portsmouth Fire Department on the date of this incident. [REDACTED] and is in FM McCleod's chain of command. [REDACTED] advised that he didn't believe that FM McCleod meant any harm by his actions, however, he was not suppose to conduct traffic stops in other cities. [REDACTED] was not certain of FM McCleod's certification and advised that a formal written request would need to be sent to obtain that information.

Phone interview with [REDACTED]
Conducted by Sgt. A.S. Chandler
Phone number [REDACTED]
February 10, 2012 1635-1658 hours

I spoke with [REDACTED] in reference to the process of becoming a Fire Marshal. [REDACTED] explained that there are two courses needed for Fire Marshal. There is an inspections training known as the 1031 school and an investigations training known as 1033 school. To have law enforcement powers to enforce Chapter 27 laws of the code of VA, both schools must be successfully completed. Upon completing both of these schools, the Law Enforcement School for Fire Marshals can then be completed. After the completion of this school, the fire marshal can be given full police powers by the jurisdiction he or she works for.

[REDACTED] and immediately checked FM McCloed's training records. Mr. McCloed has completed the inspector school only. He has not completed the investigations school nor the Law Enforcement school and therefore should not be taking police action. [REDACTED] also advised that FM McCloed should not be issued a vehicle with blue lights and should not take any police enforcement action according to his training and certification.

[REDACTED] advised that upon receiving an email requesting the information, he would send Mr. McCloed's training information to show that he had not completed the necessary courses to take police enforcement action.

Alfred Chandler

From: [REDACTED]
Sent: Friday, February 10, 2012 11:53 AM
To: Alfred Chandler
Subject: Re: Ricky McCleod

Just 1031 he is a inspector only
[REDACTED]

From: Alfred Chandler [mailto:ACHANDLER@suffolkva.us]
Sent: Friday, February 10, 2012 11:49 AM
To: [REDACTED]
Subject: RE: Ricky McCleod

Can you clarify this for me. The information is hard to read when blown up. Does he have 1031 and 1033 school? And if not, when one does he have?

A.S. Chandler
Detective Sergeant
Criminal Investigations Division
Suffolk Police Department
111 Henley Place
Suffolk, VA 23434
achandler@suffolkva.us

757-514-7919 - Office
757-923-2350 - Dispatch
757-514-4225 - Fax



When you were born, you were crying and everyone around you was smiling. Live your life so at the end, you're the one who is smiling and everyone around you is crying.

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From: [REDACTED]
Sent: Tuesday, February 07, 2012 6:19 PM
To: Alfred Chandler
Subject: RE: Ricky McCleod

"FOCUS ON THE COMMUNITY"

Portsmouth Fire



Rescue & EMS

Fax TransmissionDate: 2/7/12Total Number of Pages: 4 (including cover sheet)

TO: Name: Alfred Chandler
Company/Department: Suffolk Police
Fax Number: 757-514-4225

FROM: Name: _____
Address: Portsmouth Fire & Rescue
355 Crawford St. - STE. 200
Portsmouth, VA 23704
Phone: (757) 393-8765
Fax Number: (757) 393-5161

RE: Please find attached responses
to your inquiry/request made on
Feb 2, 2012 and Feb 7, 2012

Questions? Please contact our office at (757) 393-8765

Thank you.

The information contained in this electronic message/fax, including any attachments thereto, is intended only for the use of the individual or entity named above and may be legally privileged and confidential under applicable law, including the Health Insurance Portability and Accountability Act (HIPAA). If you are not the intended recipient of this message, you are hereby notified that any use, distribution, copying, or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Fire Admin. (757) 393-8765 and delete this communication immediately.



February 7, 2012

Detective Sergeant A.S. Chandler
Suffolk Police Department
111 Henley Places
Suffolk, VA 23434

Dear Det. Sgt. Chandler

The Portsmouth Fire Department received your request for training records Information dated February 2, 2012, regarding training for fire marshals, including Fire Marshal McCleod. The certification requirements for fire marshals are provided in the attached memorandum. In response to your request dated February 7, 2012, Fire Marshal McCleod does not have full police powers.

The training records of Fire Marshal McCleod are excluded from disclosure as personnel records under the Virginia Freedom of Information Act, provides as follow:

2.2-3705.1.Exclusions to application of chapter; exclusion of general application to public bodies – The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where disclosures is prohibited by law:

1. Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is subject thereof. Any person who is subject of any personnel record and who is 18 years of age or older waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

If you have further questions, please feel free to contact me.

Sincerely,

Attachment

Department of Fire, Rescue and Emergency Services
Fire Administration

355 Crawford Street, Suite 200*Portsmouth, VA 23704-3701 * (757) 393-8765*Fax (757) 393-5161



Date: 02-06-2012

To: [REDACTED]

From: [REDACTED]

Subject: Certification Requirements for Fire Prevention Personnel

The following certifications are required for personnel assigned to the Fire Marshal's Office. Individuals may hold a singular or dual role regarding inspections and investigations.

Fire Inspector

- **VFMA - Inspector 1031** - This course meets the NFPA 1031 standard for level I and II using the current version of the Virginia State Wide Fire and Building Codes (ICC with Virginia Amendments). This course meets the requirements for summons powers under Code of Virginia § 27-34.2 and the competency requirements of DHCD.
- Completion of Core of the Virginia Building Code Academy held by Virginia Department of Housing and Community Development.
- **Re-Certification** - 16 hours every two years

**Department of Fire, Rescue and Emergency Services
Fire Administration**

355 Crawford Street, Suite 200 * Portsmouth, VA 23704-3701 * (757) 393-8765 * Fax (757) 393-5161

Fire Investigator

- **VFMA - Investigator 1033** - This course meets the first requirement for full police powers under Code of Virginia §27-34.2:1. This course meets NFPA 1033 standard.
- **VFMA - Law Enforcement School for Fire Marshals** - Designed by VFMA/VDFP & DCJS to prepare students who will receive police powers from their jurisdictions. Includes classroom and field exercises. Evening studies and exercises planned. Modular tests require 100 percent passing grade. During the first three weeks students will take a full DCJS Firearms school which will require three qualifying scores to move onto the remainder of the LE School.
- **Re-Certification** - 40 hours every 2 years

These certifications can be obtained through Virginia Department of Fire Programs and Virginia Department of Housing and Community Development.

Department of Fire, Rescue and Emergency Services
Fire Administration

355 Crawford Street, Suite 200 * Portsmouth, VA 23704-3701 * (757) 393-8765 * Fax (757) 393-5161

Line Item	Course	Hours	Grade	Score	Comments
1	FIRE PREVENTION INSPECTOR TRAINING	168	P	100	
2	FIRE INVESTIGATOR TRAINING	168	P	100	
3	FIRE SERVICE TRAINING	168	P	100	
4	FIRE SERVICE TRAINING	168	P	100	
5	FIRE SERVICE TRAINING	168	P	100	
6	FIRE SERVICE TRAINING	168	P	100	
7	FIRE SERVICE TRAINING	168	P	100	
8	FIRE SERVICE TRAINING	168	P	100	
9	FIRE SERVICE TRAINING	168	P	100	
10	FIRE SERVICE TRAINING	168	P	100	
11	FIRE SERVICE TRAINING	168	P	100	
12	FIRE SERVICE TRAINING	168	P	100	
13	FIRE SERVICE TRAINING	168	P	100	
14	FIRE SERVICE TRAINING	168	P	100	
15	FIRE SERVICE TRAINING	168	P	100	
16	FIRE SERVICE TRAINING	168	P	100	
17	FIRE SERVICE TRAINING	168	P	100	
18	FIRE SERVICE TRAINING	168	P	100	
19	FIRE SERVICE TRAINING	168	P	100	
20	FIRE SERVICE TRAINING	168	P	100	
21	FIRE SERVICE TRAINING	168	P	100	
22	FIRE SERVICE TRAINING	168	P	100	
23	FIRE SERVICE TRAINING	168	P	100	
24	FIRE SERVICE TRAINING	168	P	100	
25	FIRE SERVICE TRAINING	168	P	100	
26	FIRE SERVICE TRAINING	168	P	100	
27	FIRE SERVICE TRAINING	168	P	100	
28	FIRE SERVICE TRAINING	168	P	100	
29	FIRE SERVICE TRAINING	168	P	100	
30	FIRE SERVICE TRAINING	168	P	100	
31	FIRE SERVICE TRAINING	168	P	100	
32	FIRE SERVICE TRAINING	168	P	100	
33	FIRE SERVICE TRAINING	168	P	100	
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46	FIRE SERVICE TRAINING	168	P	100	
47	FIRE SERVICE TRAINING	168	P	100	
48	FIRE SERVICE TRAINING	168	P	100	
49	FIRE SERVICE TRAINING	168	P	100	
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92	FIRE SERVICE TRAINING	168	P	100	
93	FIRE SERVICE TRAINING	168	P	100	
94	FIRE SERVICE TRAINING	168	P	100	
95	FIRE SERVICE TRAINING	168	P	100	
96	FIRE SERVICE TRAINING	168	P	100	
97	FIRE SERVICE TRAINING	168	P	100	
98	FIRE SERVICE TRAINING	168	P	100	
99	FIRE SERVICE TRAINING	168	P	100	
100	FIRE SERVICE TRAINING	168	P	100	

10/20/2014 10:00 AM

Sgt. Chandler this is his sheet. What he should have is where his training says , such as fire prevention inspector training, it would have said Fire Investigator and also law enforcement certified. It doesn't as you can see. It appears he is fairly new to the office. He just completed his Inspector in 2011. you can blow the picture up of the transcript to see it better as well.

Hope this helps,

[Redacted]

[Redacted]

From: Alfred Chandler [<mailto:ACHANDLER@suffolkva.us>]

Sent: Tuesday, February 07, 2012 5:02 PM

Subject: Ricky McCleod

As a follow-up to our phone conversation, I am requesting the fire certification held by Ricky McCleod of the Portsmouth Fire Department. This information is being requested for the use in an official investigation of a traffic stop conducted in the city of Suffolk, VA on January 24, 2012 by Fire Marshal McCleod.

Respectfully submitted,

A.S. Chandler
Detective Sergeant
Criminal Investigations Division
Suffolk Police Department
111 Henley Place
Suffolk, VA 23434
achandler@suffolkva.us

757-514-7919 - Office
757-923-2350 - Dispatch
757-514-4225 - Fax



When you were born, you were crying and everyone around you was smiling. Live your life so at the end, you're the one who is smiling and everyone around you is crying.

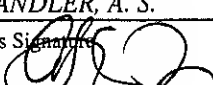
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(eg. jdoe@city.suffolk.va.us is now jdoe@suffolkva.us)

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Agency Name <i>Suffolk Police Department</i>			ORI <i>VA VA1270000</i>	Date / Time Reported <i>02/08/2012 18:30 Wed</i>	OCA File No. <i>20120002532</i>		
Name (Last, First, Middle)			Address		Phone		
Found in possession of			Address		Phone		
Location from which property was obtained			Date / Time Seized <i>02/10/2012 14:54</i>	Collecting Officer <i>CHANDLER, A. S.</i>	Locker <i>HQL</i>		
No.	Bag	Item	Description of articles (Include model, serial no., identifying marks, condition, etc.)			Category	Property Value
<i>1</i>	<i>9011</i>	<i>9011</i>	<i>Statement Cd [REDACTED] 1.000 SIL, Statement of [REDACTED] taken by Sgt. Chandler on 02/01/2012</i>			<i>EVID</i>	<i>\$0.00</i>
<i>2</i>	<i>9012</i>	<i>9012</i>	<i>Satement Cd [REDACTED] 1.000 SIL, Statement of [REDACTED] taken by Sgt. Chandler on 02/02/2012</i>			<i>EVID</i>	<i>\$0.00</i>
<i>3</i>	<i>9013</i>	<i>9013</i>	<i>Cd Of Radio Traffic On 01/24/2012 1.000 SIL, Radio Traffic of Det. Shockley and Sgt. Chandler</i>			<i>EVID</i>	<i>\$0.00</i>

Narrative

Officer's Name/ID Number <i>CHANDLER, A. S.</i>			Supervisor Name/ID Number		Case Status <i>Open/active</i>
Officer's Signature 			Submitted Date <i>02/10/2012 14:54:54 Fri</i>		Case Disposition <i>Not Applicable</i>

Event Report

Event ID: 2012-011128

Call Ref #: 755

Date/Time Received: 01/24/12 16:34:50

Rpt #:	Call Source: SELF	Prime 901 Unit: CHANDLER, ALFRED	Services Involved			
			LAW			
Location: 321 PINNER ST/NEWPORT ST						
X-ST:			Jur: CAD	Service: LAW	Agency: SPD	
Business:			St/Beat: 105	District: SC1	RA: OLDE	
		Phone: () -	GP: 105			
Nature: VEHICLE STOP		Alarm Lvl: 1	Priority: 2	Medical Priority:		
Reclassified Nature:						
Caller:				Alarm:		
Addr:				Alarm Type:		
Vehicle #:	St: VA	Report Only: No	Race:	Sex:	Age:	
Call Taker: KGRAY		Console: 05				
Geo-Verified Addr.: Yes		Nature Summary Code:	Disposition: 1	Close Comments:		
Notes: {901} PORTSMOUTH FIRE MARSHAL [01/24/12 16:36:16 KGRAY] UNMARKED UNIT FOR OTHER CITY [01/24/12 16:34:57 KGRAY]						

Times

Call Received: 01/24/12 16:34:50	Time From Call Received		
Call Routed: 01/24/12 16:34:51	000:00:01	Unit Reaction: : :	(1st Dispatch to 1st Arrive)
Call Take Finished: 01/24/12 16:34:51	000:00:01	En-Route: 000:00:13	(1st Dispatch to 1st En-Route)
1st Dispatch: 01/24/12 16:34:50	: :	On-Scene: 000:36:52	(1st Arrive to Last Clear)
1st En-Route: 01/24/12 16:35:03	000:00:13		
1st Arrive: 01/24/12 16:34:50	: :		(Reaction Time)
Last Clear: 01/24/12 17:11:42	000:36:52		

Event Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
		TR	Time Received	01/24/12 16:34:50	By: SELF		KGRAY
		FIN	Finished Call Taking	01/24/12 16:34:51			KGRAY
		ENT	Entered Remarks	01/24/12 16:34:57			KGRAY
		ARM	Added Remarks	01/24/12 16:36:16			KGRAY

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
901	282	D	Dispatched	01/24/12 16:34:50	Out Srv: [106A] at SUFFOLK GENERAL		KGRAY
901	282	A	Arrived	01/24/12 16:34:50	Out Srv: [106A] at SUFFOLK GENERAL		KGRAY
908	371	D	Dispatched	01/24/12 16:35:03	Out Srv: [OFFD] at SUFFOLK JDR COURT		KGRAY
908	371	E	En-Route	01/24/12 16:35:03	Out Srv: [OFFD] at SUFFOLK JDR COURT		KGRAY
908	371	C	Cleared	01/24/12 16:42:31	14	14	KGRAY

Radio Log

Unit	Empl ID	Type	Description	Time Stamp	Comments	Close Code	User
901	282	C	Cleared	01/24/12 17:11:42	1	1	CGARD

By: KTERRELL, CENTRALFIL 03/30/2012

Page 3

Case# 2012-0002532

[illegible]

Suspect Hate / Bias Motivated: *None*

Page 3

On the listed date and time, the offender observed a vehicle swerve into oncoming traffic almost striking two vehicles. The offender is employed by the Portsmouth Fire Marshal's office and was operating his issued work vehicle. Upon witnessing the vehicle's unsafe maneuver, the offender used the blue police lights installed in his vehicle to affect a traffic stop on the car. Two Suffolk Police Officers passed this incident and stopped to assist. The investigation is ongoing at this time.

Incident Report Related Property List

Suffolk Police Department

OCA: 2012-0002532

1	Property Description POLICE IDENTITY				Make		Model		Caliber		
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit		
	Status Stolen/etc.		Date 01/24/2012		NIC #		State #		Local #		
	Jurisdiction Locally		OAN								
	Name (Last, First, Middle)				DOB		Age 0		Race		

Notes